



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,089	08/11/2000	Danny Murphy	N-6447	7544

7590

02/10/2005

David B. Pieper  
Wadley & Patterson  
414 Union Street, Suite 2020  
Bank of America Plaza  
Nashville, TN 37219

EXAMINER

FRENEL, VANEL

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/638,089

Applicant(s)

MURPHY, DANNY

Examiner

Vanel Frenel

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 97-141 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 97-141 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Notice to Applicant**

1. This communication is in response to the amendment filed 10/18/04. Claims 49-76 have been canceled. Claims 97-141 have been newly added. Claims 97-141 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 97-141 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly (5,913,204) in view of Cook et al (6,338,044).

(A) As per claim 97, Kelly discloses a computer system for collecting consumer preference information relating to songs and albums from a plurality of registered users and for allowing a plurality of subscribing clients to access the collected consumer preference information, comprising a user database containing demographic profile information for a plurality of registered users (See Kelly, Col.2, lines 40-67), the demographic profile information for each registered user including information regarding each registered user's zip code, country, favorite radio format, favorite or most frequently listened to radio station, user name, user password, user email address, gender, age, income, and education bracket (See Kelly, Col.2, lines 40-67);

Art Unit: 3626

an opt-in database containing user email addresses for registered users who have chosen to receive emails containing music and entertainment information, the music and entertainment information including information regarding new releases and concert schedules (See Kelly, Col.3, lines 1-54); a radio station database containing information regarding a plurality of radio stations, each radio station having an associated zip code and radio format, the radio station database including information regarding each radio station's associated zip code and radio format (See Kelly, Col.3, lines 1-54); a song information database containing information identifying songs and albums, each song having an associated song status and song genre format, each album including an associated album status and album genre format, the song information database including information identifying the song status and song genre format for each song and the album status and album genre format for each album, the song information database including consumer preference information from registered users for the songs and albums included in the song information database (Col.3, lines 10-67); and a software program adapted to cause the computer system to allow a non-registered user to register as a registered user of the computer system, to allow registered users included in the user database to input consumer preference information regarding the songs and albums included in the song information database, to allow registered users included in the user database to recover lost user passwords from the computer system (Col.5, lines 1-26).

Kelly does not explicitly disclose subscribing clients to search the consumer preference information stored in the song information database based on predetermined

search parameters, and to allow subscribing clients to generate reports using the consumer preference information stored in the song information database based on predetermined reporting parameters.

However, this feature is known in the art, as evidenced by Cook. In particular, Cook suggests subscribing clients to search the consumer preference information stored in the song information database based on predetermined search parameters, and to allow subscribing clients to generate reports using the consumer preference information stored in the song information database based on predetermined reporting parameters (See Cook, Col.2, lines 61-67 to Col.3, line 44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Cook within the system of Kelly with the motivation of implementing a sound economic model for distribution of entertaining through the Internet and enabling advertisers to direct advertising content with precision to meaningful groupings of consumers (See Cook, Col.2, lines 7-10).

(B) As per claim 98, Cook discloses the computer system wherein: the software program is adapted to cause the computer system to allow a non-registered user to register as a registered user by entering demographic profile information regarding the non-registered user into the computer system (Col.4, lines 1-46); and the software program is adapted to cause the computer system to store the demographic profile information entered by the non-registered user in the user database included in the computer system (Col.4, lines 1-46).

(C) As per claim 99, Kelly discloses the computer system wherein the demographic profile information entered by the non-registered user includes information regarding the non-registered user's zip code, country, favorite radio format, favorite or most frequently listened to radio station, user name, user password, user email address, gender, age, income, and education bracket (Col.5, lines 11-62).

(D) As per claim 100, Cook discloses the computer system wherein, when the non-registered user enters the non-registered user's zip code and favorite radio format into the computer system, the software program is adapted to cause the computer system to automatically generate a listing of radio stations that the non-registered user could listen to based on the non-registered user's zip code and favorite radio format, to display the listing of radio stations to the non-registered user, to prompt the non-registered user to select a radio station from the listing of radio stations that is the non-registered user's favorite radio station or that is the radio station that the non-registered user listens to most frequently, and, when the non-registered user selects a radio station, to add the selected radio station to the demographic profile information associated with the non-registered user and stored in the user database (Cook, Col.5, lines 19-67).

(E) As per claim 101, Kelly discloses the computer system wherein the software program only causes the computer system to automatically generate the listing of radio

stations that the non-registered user could listen to when the non-registered user's country is the United States ( Fig.2; Col.2, lines 65-67 to Col.3, line 9).

(F) As per claim 102, Cook discloses the computer system wherein, when the non-registered user's favorite or most frequently listened to radio station is not included in the listing of radio stations automatically generated by the computer system, the software program is adapted to cause the computer system to allow the non-registered user to enter information identifying the non-registered user's favorite or most frequently listened to radio station, to add the information identifying the non-registered user's favorite or most frequently listened to radio station to the demographic profile information associated with the non-registered user and stored in the user database, and to add the information identifying the non-registered user's favorite or most frequently listened to radio station to the radio station database included in the computer system (See Cook, Col.5, lines 19-67).

(G) As per claim 103, Cook discloses the computer system wherein, when the non-registered user has entered the demographic profile information associated with the non-registered user, the software program is adapted to cause the computer system to automatically generate a temporary password for the non-registered user and to automatically generate and send an email containing the user name entered by the non-registered user and the temporary password generated by the computer system to the non-registered user (Col.3, lines 45-67 to Col.4, line 15).

(H) As per claim 104, Cook discloses the computer system wherein: the non-registered user must use the user name entered by the non-registered user and the temporary password generated by the computer system when initially accessing the computer system in order to become a registered user (Col.3, lines 45-67 to Col.4, line 15); and the non-registered user must use the user name and user password entered by the non-registered user when subsequently accessing the computer system (Col.3, lines 45-67 to Col.4, line 15).

(I) As per claim 105, Cook discloses the computer system wherein: the software program is adapted to cause the computer system to allow a registered user included in the user database to input consumer preference information regarding the songs and albums included in the song information database by entering the registered user's user name and user password into the computer system; and when the registered user enters the registered user's user name and user password, the software program is adapted to cause the computer system to generate a listing of genre format categories associated with songs and albums stored in the song information database included in the computer system, to display the listing of genre format categories to the registered user, and to prompt the registered user to select a genre format category from the listing of genre format categories (Col.5, lines 19-67).



Art Unit: 3626

(J) As per claim 106, Cook discloses the computer system, wherein the listing of genre format categories generated by the computer system includes A/C, Alternative, Christian, Classic Rock, Country, Jazz, Rock, and Urban genre format categories (Col.5, lines 19-67).

(K) As per claim 107, Cook discloses the computer system wherein, when the registered user selects a genre format category, the software program is adapted to cause the computer system to generate a listing of database pages associated with the selected genre format category, to display the listing of database pages to the registered user, and to prompt the registered user to select a database page from the listing of database pages (Col.5, lines 19-67 to Col.30).

(L) As per claim 108, Cook discloses the computer system wherein the listing of database pages associated with the selected genre format category includes: a new release singles chart page, a new release singles page, a top recurrent chart page, an archive page, a singles library page, an album chart page, a new release albums page, and an album library page; or a top recurrent chart page, an archive page, an album chart page, and an album library page (Col.5, lines 19-67).

(M) As per claim 109, Cook discloses the computer system wherein the new release singles chart page includes a numerical listing of songs having a song status of new

Art Unit: 3626

release single based on votes received from registered users of the computer system (Col.5, lines 19-67).

(N) As per claim 110, Kelly discloses the computer system wherein the new release singles chart page includes a current week chart position based on votes received from registered users during a current week, a current week point total based on votes received from registered users during the current week, a previous week chart position based on votes received from registered users during a previous week, a two week previous chart position based on votes received from registered users during a week two weeks prior to the current week, a top chart position attained on the new release singles chart page, and a number of weeks on the new release singles chart for each song included in the new release singles chart (Col.3, lines 29-67 to Col.4, line 26).

(O) As per claim 111, Kelly discloses the computer system wherein the current week point total for each song is calculated by summing points associated with each registered user's familiarity and passion for each song and subtracting points associated with each registered user's burn for each song (Col.3, lines 29-67 to Col.4, line 26).

(P) As per claim 112, Kelly discloses the computer system wherein the new release singles chart page includes: a heading containing information identifying the current week alphanumerically and numerically (Col.3, lines 29-67 to Col.4, line 26); and a buy

column that can be used by the registered user to purchase one or more of the songs included in the new release singles chart page (Col.3, lines 29-67 to Col.4, line 26).

(Q) As per claim 113, Kelly discloses the computer system wherein the new release singles page includes: an alphabetical listing of songs having a song status of new release single (Col.3, lines 29-67 to Col.4, line 26); a vote column that can be used by the registered user to vote on one or more of the songs included in the new release singles page; a current week point total for each song included in the new release singles page based on votes received from registered users during a current week (Col.3, lines 29-67 to Col.4, line 26); a buy column that can be used by the registered user to purchase one or more of the songs included in the new release singles page (Col.3, lines 29-67 to Col.4, line 26); and a heading containing information identifying the current week alphanumerically and numerically (Col.3, lines 29-67 to Col.4, line 26).

(R) As per claim 114, Cook discloses the computer system wherein, when the registered user selects the vote column associated with one of the songs included in the new release singles page, the software program is adapted to cause the computer system to generate a song ratings page that can be used by the registered user to input consumer preference information relating to the song associated with the selected vote column, to display the song rating pages to the registered user, and to prompt the registered user to input consumer preference information relating to the song associated with the selected vote column (Col.3, lines 45-67 to Col.4, line 46).

(S) As per claim 115, Cook discloses the computer system wherein the consumer preference information that can be input by a registered user using the software program includes information regarding the registered user's familiarity, passion, and burn for a song included in the song information database, information indicating whether the registered user owns a CD or cassette containing the song included in the song information database, information indicating whether the registered user would like to hear the song included in the song information database on the registered user's favorite radio station, information indicating where the registered user first heard the song included in the song information database, and comments from the registered user relating to the song included in the song information database (Col.4, lines 28-67 to Col.5, line 26).

(T) As per claim 116, Kelly discloses the computer system wherein the software program allows the registered user to indicate the registered user's degree of familiarity, passion, and burn for the song included in the song information database using scales ranging from 1 to 10 (Col.6, lines 14-49).

(U) As per claim 117, Kelly discloses the computer system wherein, if the registered user is not familiar with the song included in the song information database, the software program allows the registered user to input a reason for why the registered user is not familiar with the song included in the song information database using a drop

down menu containing a listing of reasons for why the registered user might not be familiar with the song included in the song information database (Col.6, lines 14-67).

(V) As per claim 118, Kelly discloses the computer system wherein, if the registered user does not like the song included in the song information database, the software program allows the registered user to input a reason for why the registered user does not like the song included in the song information database using a drop down menu containing a listing of reasons for why the registered user might not like the song included in the song information database (Col.6, lines 14-67).

(W) As per claim 119, Kelly discloses the computer system wherein, if the registered user is tired of the song included in the song information database, the software program allows the registered user to input a reason for why the registered user is tired of the song included in the song information database using a drop down menu containing a listing of reasons for why the registered user might be tired of the song included in the song information database (Col.5, lines 6-67).

(X) As per claim 120, Cook discloses the computer system wherein, if the registered user indicates that the registered user owns a CD or cassette containing the song included in the song information database, the software program allows the registered user to input information identifying the retailer where the CD or cassette containing the

song included in the song information database was purchased (Col.6, lines 35-67 to Col.7, line 19).

(Y) As per claim 121, Cook discloses the computer system wherein, if the registered user indicates that the registered user does not own a CD or cassette containing the song included in the song information database, the software program allows the registered user to input information indicating why the CD or cassette containing the song included in the song information database has not been purchased using a drop down menu containing a listing of reasons for why the registered user might not own a CD or cassette containing the song included in the song information database (Col.6, lines 35-67 to Col.7, line 19).

(Z) As per claim 122, Cook discloses the computer system wherein the software program allows the registered user to input information indicating where the registered user first heard the song included in the song information database using a drop down menu containing a listing of choices where the registered user might have first heard the song included in the song information database (Col.6, lines 35-67 to Col.7, line 19).

(AA) As per claim 123, Cook discloses the computer system wherein the top recurrent chart page includes a numerical listing of songs having a song status of single archive based on votes received from registered users of the computer system (Col.5, lines 19-67).

(BB) As per claim 124, Kelly discloses the computer system wherein the top recurrent chart page includes: a current week chart position based on votes received from registered users during a current week, a current week point total based on votes received from registered users during the current week, a previous week chart position based on votes received from registered users during a previous week, a two week previous chart position based on votes received from registered users during a week two weeks prior to the current week, a top chart position attained on the top recurrent chart page, and a number of weeks on the top recurrent chart page for each song included in the top recurrent chart page (Col.3, lines 10-67 to Col.4, line 40); a heading containing information identifying the current week alphanumerically and numerically (Col.5, lines 27-67); and a buy column that can be used by the registered user to purchase one or more of the songs included in the top recurrent chart page (Col.5, lines 27-67).

(CC) As per claim 125, Cook discloses the computer system wherein the archive page includes: a listing of songs having a song status of single archive (Col.4, lines 1-46); a vote column that can be used by the registered user to vote on one or more of the songs included in the archive page (Col.1-46); a current week point total for each song included in the archive page based on votes received from registered users during a current week (Col.4, lines 1-46); a buy column that can be used by the registered user to purchase one or more of the songs included in the archive page (Col.4, lines 1-46);

and a heading containing information identifying the current week alphanumerically and numerically (Col.5, lines 1-67).

(DD) As per claim 126, Cook discloses the computer system wherein, when the registered user selects the vote column associated with one of the songs included in the archive page, the software program is adapted to cause the computer system to generate a song ratings page that can be used by the registered user to input consumer preference information relating to the song associated with the selected vote column, to display the song rating pages to the registered user, input consumer preference information selected vote column (Col.5, lines 58-67 to Col.6, line 30).

(EE) As per claim 127, Cook discloses the computer system wherein the singles library page includes a search engine that can be used by the registered user to search for songs having a song status of single library, the singles library page allowing the registered user to search for songs based on song title, artist name, and record label name (Col.4, lines 1-46).

(FF) As per claim 128, Cook discloses the computer system wherein: the search engine generates a search results page including a listing of songs; and the software program is adapted to cause the computer system to allow the registered user to input consumer preference information relating to the songs included in the search results page (Col.3, lines 7-59).



(GG) As per claim 129, Cook discloses the computer system wherein: the album library page includes a search engine that can be used by the registered user to search for albums having an album status of album library, the album library page allowing the registered user to search for albums based on album title, artist name, and record label name; the search engine generates a search results page including a listing of albums that can be used by the registered user to generate an album track listing for each album including in the listing of albums, each album track listing including a listing of songs (Col.4, lines 1-65); and the software program is adapted to cause the computer system to allow the registered user to input consumer preference information relating to the songs included in the album track listings for each album included in the search results page (Col.4, lines 1-60).

(HH) As per claim 130, Cook discloses the computer system wherein: the software program is adapted to cause the computer system to automatically change the song status associated with a song based on a predetermined amount of time that the song is stored in the song information database included with the computer system (Col.4, lines 47-67 to Col.5, line 57); and the software program is adapted to cause the computer system to automatically change the album status associated with an album based on a predetermined amount of time that the album is stored in the song information database included with the computer system (Col.4, lines 47-67 to Col.5, line 57).

Art Unit: 3626

(II) As per claim 131, Cook discloses the computer system wherein: the software program is adapted to cause the computer system to automatically change the song status associated with a song from new release single to single archive to single library (Col.4, lines 1-65); and the software program is adapted to cause the computer system to automatically change the album status associated with an album from new release album to album library (Col.4, lines 1-65).

(JJ) As per claim 132, Kelly discloses the computer system wherein: songs having a song status of new release single include songs that have been stored in the song information database for less than 26 weeks or that have been stored in the song information database for more than 26 weeks but are still being actively promoted by a record label; songs having a song status of single archive include songs that have been stored in the song information database for more than 26 weeks or that have been stored in the song information database for less than 26 weeks but are not longer being actively promoted by a record label; songs having a song status of single library include songs that have been stored in the song information database for more than 52 weeks; albums having an album status of new release album include albums that have been stored in the song information database for less than 52 weeks or that have been stored in the song information database for more than 52 weeks but are still receiving promotional support from a record label; and albums having an album status of album library include albums that have been stored in the song information database for more than 52 weeks or that have been stored in the song information database for less than

Art Unit: 3626

52 weeks but are not longer being actively promoted by a record label (Col.3, lines 1-67 to Col.4, line 41).

(KK) As per claim 133, Cook discloses the computer system wherein: the software program is adapted to cause the computer system to allow a registered user to recover a lost user password from the computer system by entering the registered user's e-mail address into the computer system (Col.4, lines 1-46); and the software program is adapted to cause the computer system to automatically identify the registered user's user name and user password based on the registered user's email address and to automatically generate and send an email to the registered user containing the identified registered user's user name and user password (Col.4, lines 45-67).

(LL) As per claim 134, Cook discloses the computer system wherein the songs included in the song information database include newly released singles, album tracks, or some combination thereof (Col.4, lines 1-46).

(MM) As per claim 135, Cook discloses the computer system wherein the albums included in the song information database include newly released albums (Col.4, lines 1-46).

(NN) As per claim 136, Cook discloses the computer system wherein: the songs included in the song information database include songs having an associated song

Art Unit: 3626

genre format of A/C, Alternative, Christian, Classic Rock, Country, Jazz, Rock, and Urban (Col.5, lines 19-67); and the albums included in the song information database include albums having an associated album genre format of A/C, Alternative, Christian, Classic Rock, Country, Jazz, Rock, and Urban (Col.5, lines 19-67).

(OO) As per claim 137, Cook discloses the computer system wherein: each subscribing client has an associated account type (Col.6, lines 1-30); and access to consumer preference information stored in the song information database by subscribing clients is limited based on account type (Col.6, lines 1-30).

(PP) As per claim 138, Cook discloses the computer system wherein the associated account type for each subscribing client is a record label account type, a radio station account type, or a retailer account type (Col.7, lines 1-19).

(QQ) As per claim 139, Cook discloses the computer system wherein the songs and albums included in the song information database include all songs and albums released by a record label rather than a smaller subset of the songs and albums released by the record label generated using a pre-selection process (Col.6, lines 36-67).

(RR) As per claim 140, Cook discloses the computer system, wherein: the pre-selection process is implemented using radio station personnel, consultants, or some

combination thereof (Col.1, lines 5-60); and the smaller subset of songs and albums generated by the pre-selection process includes songs and albums selected by the radio station personnel, consultants, or some combination thereof (Col.3, lines 7-44).

(SS) As per claim 141, Cook discloses the computer system wherein the software program is adapted to cause the computer system to allow subscribing clients to search and generate reports using the consumer preference information stored in the song information database based on genre format, artist name, song name, reporting period, registered user gender, registered user age, registered user income, registered user education, radio station, zip code, city, state, region, country, universe, registered user familiarity, registered user passion, registered user burn, whether or not a registered user would like to hear a song included in the song information database on the registered user's favorite radio station, whether or not a registered user owns a CD or cassette containing a song included in the song information database, where a registered user first heard a song included in the song information database, and whether or not a registered user has entered comments relating to a song included in the song information database (Col.3, lines 7-67 to Col.4, line 27).

#### ***Response to Arguments***

4. Applicant's arguments filed on 10/18/04 with respect to claims 97-141 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches system and method for automated remote previewing and purchasing of music, video, software, and other multimedia products (5,918,213).

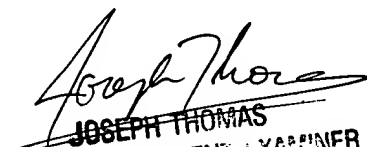
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F  
V.F

January 21, 2005

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600